



February 3, 2009

## SENATE BILL No. 471

DIGEST OF SB 471 (Updated February 2, 2009 11:22 am - DI 102)

**Citations Affected:** IC 3-9.

**Synopsis:** Electronic filing of campaign finance reports. Requires the election division to develop, and the election commission to approve, electronic filing standards for campaign finance reports. Eliminates a requirement that a candidate for legislative office and the candidate's committee file with the county election board of the county in which the candidate resides a duplicate copy of each required report filed with the election division.

**Effective:** July 1, 2009.

**Hershman**

January 14, 2009, read first time and referred to Committee on Elections.  
February 2, 2009, reported favorably — Do Pass.

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SB 471—LS 6317/DI 102+



February 3, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## SENATE BILL No. 471

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 3-9-4-4, AS AMENDED BY P.L.164-2006,  
2       SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2009]: Sec. 4. (a) The election division shall develop a filing  
4       and coding system consistent with the purposes of this article. The  
5       election division and each county election board shall use the filing and  
6       coding system. The coding system must provide:

7               (1) not more than ten (10) codes to account for various campaign  
8               expenditure items; and

9               (2) a clear explanation of the kinds of expenditure items that must  
10              be accounted for under each code.

11       (b) The election division shall develop and use a computer system  
12       to store campaign finance reports required to be filed under IC 3-9-5-6,  
13       IC 3-9-5-10, and IC 3-9-5-20.1. The computer system must enable the  
14       election division to do the following:

15              (1) Identify all candidates or committees that received  
16              contributions from a contributor over the past three (3) years.

17              (2) Identify all contributors to a candidate or committee over the

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1 past three (3) years.

2 (3) Provide for electronic submission, retrieval, storage, and  
3 disclosure of campaign finance reports of candidates for the  
4 following:

5 (A) Legislative office.

6 (B) State office.

7 The election division shall provide training at no cost to  
8 candidates to enable candidates described in this subdivision to  
9 file campaign finance reports ~~electronically~~. **that comply with**  
10 **electronic filing standards approved by the commission.**

11 (c) The election division shall notify each candidate's committee  
12 that the election division will provide at the committee's request at no  
13 cost a standardized software program to permit the committee to install  
14 the software on a computer and generate an electronic version of the  
15 reports and statements required to be filed with the election division  
16 under this article. **The election division shall develop electronic filing**  
17 **standards for the reports and statements, and the standards, to be**  
18 **effective, must be approved by the commission.** However, the  
19 election division is not required to provide or alter the software  
20 program to make the program compatible for installation or operation  
21 on a specific computer.

22 (d) This subsection applies to the following committees:

23 (1) A committee for a candidate seeking election to a state office.

24 (2) A political action committee that has received more than fifty  
25 thousand dollars (\$50,000) in contributions since the close of the  
26 previous reporting period.

27 The committee must file electronically the report or statement required  
28 under this article with the election division using ~~a standardized~~  
29 ~~software program supplied to the committee without charge under~~  
30 ~~subsection (c) or another format~~ **electronic filing standards** approved  
31 by the election division. ~~An electronic filing approved by the election~~  
32 ~~division under this subsection may not require manual reentry into a~~  
33 ~~computer system of the data contained in the report or statement in~~  
34 ~~order to make the data available to the general public under subsection~~  
35 ~~(g).~~ **commission.**

36 (e) This subsection applies to an electronic submission under  
37 subsection (b)(3). An electronic submission must be in a format  
38 previously approved by the commission that permits the election  
39 division to print out a hard copy of the report after the receipt of the  
40 electronic submission from the candidate. Filing of a report occurs  
41 under IC 3-5-2-24.5 on the date and at the time electronically recorded  
42 by the election division's computer system. If a discrepancy exists

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1 between the text of the electronic submission and the printed report, the  
 2 text of the printed report prevails until an amendment is filed under this  
 3 article to correct the discrepancy.

4 (f) The election division is not required to accept an electronic  
 5 submission unless the submission complies with ~~subsection (b)(3):~~  
 6 ~~Upon receiving approval from the commission, the election division~~  
 7 ~~may accept an electronic submission from candidates, committees, or~~  
 8 ~~persons described in subsection (b)(3):~~ **electronic filing standards**  
 9 **approved by the commission.**

10 (g) The election division shall make campaign finance reports stored  
 11 on the computer system under subsection (b) available to the general  
 12 public through an on-line service.

13 SECTION 2. IC 3-9-5-3 IS AMENDED TO READ AS FOLLOWS  
 14 [EFFECTIVE JULY 1, 2009]: Sec. 3. A candidate for legislative office  
 15 and the candidate's committee shall file each report, notice, or other  
 16 instrument required by this article with the election division. ~~The~~  
 17 ~~candidate and committee shall also file a duplicate copy with the~~  
 18 ~~county election board of the county in which the candidate resides.~~

19 SECTION 3. IC 3-9-5-7 IS AMENDED TO READ AS FOLLOWS  
 20 [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) A person may deliver reports  
 21 to the appropriate office as follows:

22 (1) By hand.

23 (2) By mail.

24 (3) By electronic mail, if the **report complies with electronic**  
 25 **filing standards approved by the commission and the**  
 26 appropriate office has the capacity to do all of the following:

27 (A) Receive electronic mail.

28 (B) Electronically record the date and time that electronic mail  
 29 is received by the office.

30 (C) Print out a hard copy of the report after the receipt of the  
 31 electronic mail by the office.

32 (b) Reports must be filed as follows:

33 (1) Hand delivered reports or reports transmitted by mail must be  
 34 filed with the appropriate office during regular office hours not  
 35 later than noon seven (7) days after the date of the report.

36 (2) Reports delivered by electronic mail must be filed with the  
 37 appropriate office not later than noon seven (7) days after the date  
 38 of the report.

39 (c) This subsection applies to a report delivered by electronic mail.  
 40 Filing of a report occurs under IC 3-5-2-24.5 on the date and at the time  
 41 electronically recorded by the office's computer system. If a  
 42 discrepancy exists between the text of the electronic mail and the

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1 printed report, the text of the printed report prevails until an  
2 amendment is filed under this article to correct the discrepancy.

3 (d) An office is not required to accept a report or statement required  
4 under this article by facsimile transmission. Upon approval of a policy  
5 by the commission or a county election board to receive reports or  
6 statements by facsimile transmission, the election division or the  
7 county election board may accept the facsimile transmission of a report  
8 or statement.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill No. 471, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 471 as introduced.)

LANDSKE, Chairperson

Committee Vote: Yeas 8, Nays 0.

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